

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In its December 26, 2007 Order, the Court set a briefing schedule requiring all dispositive motions to be filed within two months of the order, and opposition briefs to be filed one month thereafter. Subsequently, the Court issued a Scheduling Order on February 8, 2008, setting June 1, 2008, as the last day to conduct discovery and September 15, 2008, as the last day for Defendants to file a summary judgment motion. The last day for Plaintiffs to file their opposition to that motion was set thirty days thereafter, on October 15, 2008.

1 Defense counsel has submitted correspondence indicating that
2 Plaintiffs intend to submit their opposition to Defendants' motion
3 by October 15, 2008, pursuant to the February 8, 2008 Scheduling
4 Order. Kenny Suppl. Decl. Ex. C. Defendants contend that
5 Plaintiffs' opposition is due thirty days after the motion was
6 filed, pursuant to the December 26, 2007 Order.

7 Because Plaintiffs have renewed their motions to compel
8 answers to written deposition questions and production of documents
9 before Magistrate Judge Larson, and contend that they seek
10 discovery relevant to the summary judgment motion on their
11 remaining claims, the Court will allow Plaintiffs to file their
12 opposition to the motion for summary judgment after a ruling on the
13 discovery motions.

14 It is hereby ordered that Plaintiffs shall file an opposition
15 to Defendants' motion for summary judgment/summary adjudication no
16 later than ninety days after the magistrate judge enters an order
17 deciding the merits of Plaintiffs' motions to compel. Defendants
18 may file a reply no later than two weeks thereafter, on which date
19 the matter will be taken under submission. No oral argument or
20 further briefing on Defendants' motion will be permitted absent
21 further order of the Court.

22 IT IS SO ORDERED.

23
24 Dated: 4/18/08



CLAUDIA WILKEN
United States District Judge

25
26
27 cc: JL

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ASHKER ET AL et al,

Case Number: CV05-03286 CW

Plaintiff,

CERTIFICATE OF SERVICE

v.

SCHWARZENEGGER ET AL et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 18, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

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Dated: April 18, 2008

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk